

REMARKS

STATUS OF THE CLAIMS

Claims 1-24 are currently pending in this application. Claims 1-5, 11-13 and 18-24 have been withdrawn from consideration. Claims 7, 8, 15 and 16 have been cancelled without prejudice or disclaimer. Applicant reserves the right to pursue the subject matter of these claims in this or another application.

Independent claim 6 has been amended to recite in part, a base rigidly coupled to the adapter body that supports the adapter body wherein the base is rigidly coupled to the pump assembly and the adaptor body only. Claim 14 has been similarly amended to recite in part, a supporting means rigidly coupled to the aligning means for supporting the aligning means, wherein the supporting means is rigidly coupled to the pumping means and the aligning means only. As identified in the *Listing of Claims* section of this Paper, claims 6 and 10 have each been amended to recite a “motor/drive assembly.”

Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby. Reconsideration and withdrawal of the outstanding rejections is respectfully requested in view of the following remarks.

OFFICE ACTION

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 6 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, for failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

As indicated in the *Listing of Claims* section of this Paper, claims 6 and 10 have been amended to recite a “motor/drive assembly.” No further elaboration is believed necessary and accordingly, Applicant respectfully requests withdrawal of this rejection to claims 6 and 10.

REJECTIONS UNDER 35 U.S.C. § 102(b)

(1) Claims 6, 9 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Oehman Jr. (U.S. Patent No. 6,764,284). Applicant respectfully traverses this rejection.

Applicant notes that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (quoting *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

Without conceding the propriety of rejection, claim 6 has been amended to recite a base rigidly coupled to the adapter body that supports the adapter body wherein the base is rigidly coupled to the pump assembly and the adaptor body only. Claim 14 has been similarly amended to recite a supporting means rigidly coupled to the aligning means for supporting the aligning means, wherein the supporting means is rigidly coupled to the pumping means and the aligning means only.

Oehman, Jr. fails to disclose at least these aspects of claims 6 and 14. While Applicant respectfully submits that the Examiner's statement that Oehman, Jr. discloses a flange extension 57 of the motor housing having an annular connection flange 60, however, it fails to disclose a support that is rigidly connected to the flange connection and the pump assembly only, as recited in claim 6. To the contrary, Oehman, Jr. clearly discloses a support that is connected to the only drive mechanism 20 and not to both the drive mechanism 20 and the flange extension 57. See, for example, FIG. 3 of Oehman, Jr. Similarly, claim 14 recites a supporting means rigidly coupled to the aligning means and pumping means only. Again, as previously discussed, Oehman, Jr. fails to disclose at least these aspects of the claim 14, but instead clearly discloses a support that is connected to the to the drive mechanism 20 only, and not to both the drive mechanism 20 and the flange extension 57. Once again, please see, for example, FIG. 3 of Oehman, Jr.

In light of the aforementioned remarks and amendments, Applicant respectfully submits that each and every element as set forth in claims 6 and 14 is not found, either expressly or

inherently described, in Oehman, Jr. and therefore this 35 U.S.C. § 102(b) rejection should be withdrawn.

Claim 9 depends directly from claim 6 and is believed allowable over Oehman, Jr. for at least the same reasons. Accordingly, withdrawal of this rejection to claim 9 is also respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a)

(1) Claims 7 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oehman, Jr. (U.S. Patent No. 6,764,284) in view of Abelen (U.S. Patent No. 5,178,522). Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all of the claim elements. M.P.E.P. § 2143. There must also be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references. *Id.* Applicant respectfully submits that these criteria for obviousness have not been satisfied.

Without conceding the propriety of the rejection, both claims 7 and 15 have been cancelled rendering this rejection moot with respect to these claims. Accordingly, Applicant respectfully requests withdrawal of this rejection.

(2) Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Oehman, Jr. (U.S. Patent No. 6,764,284) in view of Abelen (U.S. Patent No. 5,178,522) and in further view of Lower (U.S. Patent No. 4,523,897). Applicant respectfully traverses this rejection.

Without conceding the propriety of the rejection, claim 8 has been cancelled rendering this rejection moot with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of this rejection to claim 8.

(3) Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Oehman, Jr. (U.S. Patent No. 6,764,284) in view of Lower (U.S. Patent No. 4,523,897). Applicant respectfully traverses this rejection.

Again, without conceding the propriety of the rejection, claim 16 has been cancelled rendering this rejection moot with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of this rejection to claim 16.

CONCLUSION

New claims 25 and 26 are hereby submitted for consideration. Support for these claims can be found in the specification as filed. Claims 25 and 26 depend indirectly from claims 6 and 14, respectively, and are believed to be allowable over the cited prior art for at least the same reasons as claims 6 and 14 set forth above.

No fees or extensions of time are believed due with this submission. However any additional extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at (202) 861-1714.

Respectfully submitted,

BAKER & HOSTETLER LLP



Stephen S. Fabry
Registration No. 51,661

Date: 1/30/2007
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Tel: 202 861 1500
Fax: 202 861 1783